

01.05.2024
SL No.60
Court No.1
(gc)
(rejected)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

CRM (NDPS) 171 of 2024

In Re:- An application for bail under section 439 of the Code of Criminal Procedure filed in connection with Phansidewa Police Station Case No.456 of 2022 dated 13.10.2022, under Sections 21(C)/23(C)/29 of the NDPS Act,1985.

And

In the matter of : **Abubokker Mondal**

- Petitioner.

Mr. Gobinda Ghosh

....For the Petitioner.

Mr. Sourav Ganguly,

Mr. Chattu Roy

....For the State.

1. Heard the learned Counsel for the parties.
2. Prayer for bail has been opposed on behalf of the State.
3. On perusal of the entire materials of Case Diary, we find commercial quantity of contraband was seized from the conscious possession of the present accused petitioner. Admittedly, the charge-sheet has been submitted on 09.04.2023 and the present accused petitioner is in incarceration for 563 days.
4. It is submitted on behalf of the State that today is the date fixed for production of the accused person from JC and supply of copies. It is the version of the learned Counsel for the State that some delay occurred since the two

accused persons absconded and steps have been taken for splitting the trial.

5. Regard being had to the facts and circumstances of this case, we cannot say that delay is attributable to the prosecution.
6. The prayer for bail is, thus, rejected.
7. Before parting with, we request the learned Trial Court to consider the charge preferably within a month from today and thereafter to conclude the trial as expeditiously as possible by invoking Section 309 of the Cr.P.C. It is further directed that the learned Trial Court shall ensure the production of all the alams and appearance of the prosecution witnesses on each date of substantive hearing, failing which, the learned Trial Court shall be at liberty to enforce its order in accordance with law.
8. All parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J.)

(Partha Sarathi Sen, J.)